

07/28/14 MICHAEL BUBACZ

<p>IN THE UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION</p> <p>DALON STEVENS, ) Plaintiff, ) -vs- ) No. 13-cv-4446 MICHAEL BUBACZ, Individually, ) and MICHAEL BUBACZ, as an ) Employee and Agent of the ) CHICAGO POLICE DEPARTMENT, and ) the CITY OF CHICAGO, a ) municipal corporation, ) Defendants. )</p> <p>The deposition of MICHAEL BUBACZ, called for examination pursuant to the Rules of Civil Procedure for the United States District Courts pertaining to the taking of depositions at 77 West Washington Street, Suite 800, Illinois, on the 28th day of July, 2014, at the hour of 10:18 a.m.</p> <p>Reported by: BRENDA K. DUFEK, CSR License No.: 084-003969</p>	<p>1 I N D E X</p> <p>2 WITNESS EXAMINATION</p> <p>3 MICHAEL BUBACZ</p> <p>4 By Mr. Hickey 4</p> <p>5 By Mr. Nixa 305</p> <p>6 E X H I B I T S</p> <p>7 NUMBER MARKED FOR ID</p> <p>8 Deposition Exhibit</p> <p>9 No. 1 115</p> <p>10 No. 2 166</p> <p>11 No. 3 176</p> <p>12 No. 4 206</p> <p>13 No. 5 247</p> <p>14 No. 6 249</p> <p>15 Nos. 7-9 250</p> <p>16 No. 10 252</p> <p>17 Nos. 11-16 262</p> <p>18 No. 17 266</p> <p>19 No. 18 290</p> <p>20 No. 19 298</p> <p>21 No. 20 (withdrawn) 299</p> <p>22 No. 20 (remarked) 301</p> <p>23 No. 21 301</p> <p>24 No. 22 303</p>
<p>1 APPEARANCES:</p> <p>2 HICKEY, MELIA &amp; ASSOCIATES</p> <p>3 BY: MR. RICHARD J. HICKEY, JR.</p> <p>4 MR. THOMAS A. RIECK</p> <p>5 77 West Washington Street, Suite 800</p> <p>6 Chicago, Illinois 60602</p> <p>7 (312) 422-9410</p> <p>8 rieck@hmklawfirm.com</p> <p>9 On behalf of the Plaintiff;</p> <p>10</p> <p>11 ASSISTANT CORPORATION COUNSEL</p> <p>12 BY: MR. DANIEL NIXA</p> <p>13 MS. LINDSAY WILSON GOWIN</p> <p>14 30 North LaSalle Street, Suite 800</p> <p>15 Chicago, Illinois 60602</p> <p>16 (312) 744-7150</p> <p>17 daniel.nixa@cityofchicago.org</p> <p>18</p> <p>19 On behalf of the Defendant,</p> <p>20 Michael Bubacz.</p> <p>21</p> <p>22 ALSO PRESENT:</p> <p>23 Mr. PJ Gallo - paralegal</p> <p>24 Hickey, Melia &amp; Associates</p>	<p>1 (Witness sworn.)</p> <p>2 MICHAEL BUBACZ,</p> <p>3 called as a witness herein, having been first</p> <p>4 duly sworn, was examined and testified as follows:</p> <p>5 EXAMINATION</p> <p>6 BY MR. HICKEY:</p> <p>7 Q. Sir, please state your full name and</p> <p>8 spell your last name for the record.</p> <p>9 A. Michael Bubacz, B-U-B-A-C-Z.</p> <p>10 MR. HICKEY: Let the record reflect that this</p> <p>11 is the deposition of Michael Bubacz taken</p> <p>12 pursuant to notice. It will be taken in</p> <p>13 accordance with the applicable rules of the</p> <p>14 Northern District of Illinois and the Federal</p> <p>15 Rules.</p> <p>16 Before we start, I thought we would</p> <p>17 clear up a couple of preliminary items. Counsel</p> <p>18 is here directly for Michael Bubacz; is that</p> <p>19 correct?</p> <p>20 MR. NIXA: That's correct.</p> <p>21 MR. HICKEY: And counsel for the City is not</p> <p>22 currently here but has consented for us to go</p> <p>23 ahead?</p> <p>24 MR. NIXA: That's correct, as far as I</p>

1 (Pages 1 to 4)

<p>1 E-track inventory system?</p> <p>2 A. I am.</p> <p>3 Q. Have you ever been involved in tracing</p> <p>4 property that was taken into custody?</p> <p>5 A. Yes.</p> <p>6 Q. How often are you involved in that?</p> <p>7 A. Couple times a week.</p> <p>8 Q. Are you involved with any general or</p> <p>9 special orders for the time frame we've been</p> <p>10 discussing concerning administrative disposal of</p> <p>11 property?</p> <p>12 A. I'm not really familiar with it.</p> <p>13 Q. At any time since June 18, 2012, have</p> <p>14 you reviewed any general or special orders</p> <p>15 concerning crime scene protection and</p> <p>16 processing?</p> <p>17 A. Yes.</p> <p>18 Q. Were you familiar with that general</p> <p>19 order prior to June 18, 2012?</p> <p>20 A. Yes.</p> <p>21 Q. And prior to June 18, 2012, were you</p> <p>22 familiar with a general or special order</p> <p>23 concerning use of deadly force?</p> <p>24 A. Yes.</p> <p style="text-align: right;">181</p>	<p>1 A. Not as far as I know.</p> <p>2 Q. Prior to that date, had you had any</p> <p>3 contact with someone named Donnie Stewart?</p> <p>4 A. Not as far as I know.</p> <p>5 Q. Had anyone informed you of any Facebook</p> <p>6 or Twitter or social media information</p> <p>7 concerning Donnie Stewart or Rodney Stewart --</p> <p>8 excuse me, Rodney Stewart?</p> <p>9 A. No.</p> <p>10 Q. Had anyone informed you of any social</p> <p>11 media, Facebook, Twitter, whatever concerning</p> <p>12 Dalon Stevens prior to June 18, 2012?</p> <p>13 A. No.</p> <p>14 Q. Did anyone inform you of any social</p> <p>15 media information concerning either of those</p> <p>16 individuals on June 18, 2012?</p> <p>17 A. No.</p> <p>18 Q. Has anyone informed you of any social</p> <p>19 media information concerning those individuals</p> <p>20 after June 18, 2012?</p> <p>21 A. Yes.</p> <p>22 Q. Who?</p> <p>23 MR. NIXA: Just hold on.</p> <p>24 MR. HICKEY: If it's your attorney, he can</p> <p style="text-align: right;">183</p>
<p>1 Q. Were you aware of before June 18, 2012</p> <p>2 a special or general order involving weapon</p> <p>3 discharge incidents involving sworn members?</p> <p>4 A. Yes.</p> <p>5 Q. Have you reviewed those general or</p> <p>6 special orders at any time since June 18, 2012?</p> <p>7 A. Yes.</p> <p>8 Q. Were you aware prior to June 18, 2012</p> <p>9 of any general or special order involving</p> <p>10 emergency vehicle operations or pursuits?</p> <p>11 A. Yes.</p> <p>12 Q. Have you reviewed that general or</p> <p>13 special order at any time since then?</p> <p>14 A. Yes.</p> <p>15 MR. NIXA: Do you mind if I take a break.</p> <p>16 MR. HICKEY: No.</p> <p>17 (Whereupon, a short break was</p> <p>18 taken.)</p> <p>19 BY MR. HICKEY:</p> <p>20 Q. Prior to June 18, 2012, had you ever</p> <p>21 met an individual known as Dalon Stevens?</p> <p>22 A. No.</p> <p>23 Q. Have you ever had any contact with him,</p> <p>24 as far as you know?</p> <p style="text-align: right;">182</p>	<p>1 say my attorneys, and I'm not going to ask him,</p> <p>2 but if it's not his attorneys --</p> <p>3 MR. NIXA: What was the question again?</p> <p>4 (Whereupon, the record was read</p> <p>5 as requested.)</p> <p>6 MR. NIXA: You can answer.</p> <p>7 THE WITNESS: My attorneys.</p> <p>8 BY MR. HICKEY:</p> <p>9 Q. Has anyone other than your attorneys</p> <p>10 informed you about any social media information</p> <p>11 concerning either Rodney Stewart or</p> <p>12 Dalon Stevens other than your attorneys?</p> <p>13 A. No.</p> <p>14 Q. Have you personally reviewed any</p> <p>15 Facebook, Twitter, or other social media</p> <p>16 information on either Rodney Stewart or</p> <p>17 Dalon Stevens?</p> <p>18 A. No.</p> <p>19 Q. Have you reviewed any summaries of</p> <p>20 Facebook, Twitter, or other social media</p> <p>21 information concerning Rodney Stewart or --</p> <p>22 excuse me, Rodney Stewart or Dalon Stevens?</p> <p>23 A. No.</p> <p>24 Q. On June 18, 2012, did you report for</p> <p style="text-align: right;">184</p>